UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:20-CV-00063-MOC

ROBERTA NICHOLS,)	
Plaintiff,)	
v.)	<u>ORDER</u>
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

THIS MATTER is before the court on plaintiff's Consent Motion for Fees Under the Equal Access to Justice Act (#15). Plaintiff filed a timely Motion for Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, on November 30, 2020, in the amount of \$2500.00. This fee reflects a compromised settlement between Plaintiff and Defendant in reference to Plaintiff's request for attorney fees under the EAJA and does not constitute an admission of liability on the part of Defendant. The court finds the proposed fee to be reasonable.

ORDER

IT IS, THEREFORE, ORDERED that the Motion for Fees Under the Equal Access to Justice Act (#15) is GRANTED. The United States Social Security Administration shall pay attorney's fees in the amount of \$2500.00 in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under EAJA. Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of the Court's EAJA Order, the Commissioner determines that Plaintiff owes no debt to the

government that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff, rather than to counsel.

Signed: December 10, 2020

United States District Judge

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